

APPENDIX C

State Fees, Federal Fees, Minor Project Categories, and General Permit Categories for Minor Projects

STATE FEES

All permit applications for projects located on an inland lake or stream, Great Lake, or within a wetland or floodplain regulated by Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; Part 325, Great Lakes Submerged Lands; Floodplain Regulatory Authority found in Part 31, Water Resources Protection; Part 353, Sand Dunes Protection and Management; Part 323, Shorelands Protection and Management; or Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA), shall be accompanied by a fee in accordance with the following fee schedule. Fees are not cumulative, with the exception of dam and critical dune projects. The highest of all other fees will be charged. **Final fee determination will be based upon the final administrative review of the plans and specifications provided with the permit application. The applicant will be notified if the final fee determination is different from that submitted with the application.**

CATEGORY	FEE
All projects not covered below.....	\$500
Minor Project Categories listed in R281.816 for Part 301, or R322.1013 for Part 325*.....	\$50
General Permit Categories for minor activities in wetlands authorized under Section 30312 of Part 303*.....	\$100
Minor Project Categories authorized under Section 2a(5) of Part 31*.....	\$100
Marina Operating Permit Renewal or Transfer under Part 301.....	\$50
Marina Construction or Expansion Projects under Parts 301 or 325:	
• expansion of 1-10 slips.....	\$50
• new marina of 1-10 slips.....	\$100
• expansion of 11-50 slips.....	\$250
• new marina of 11-50 slips.....	\$500
• new or expansion marina over 50 slips.....	\$10/slip
• existing marina - maintenance dredging of 10,000 cubic yards or more, or the addition of seawalls, bulkheads, or revetments of 500 feet or more.....	\$1,500
Major Projects: Categories as listed below under Parts 301, 303, or 325.....	\$2,000
• dredging of 10,000 cubic yards or more (wetlands excepted).....	new dredging or upland boat basin excavation in suspected contamination areas
• seawalls, bulkheads, or revetments of 500 feet or more.....	filling or draining of 1 acre or more of contiguous coastal or inland wetland
• new commercial docks or wharves of 300 feet or more in length.....	stream enclosures of 100 feet or more in length
• stream relocations of 500 feet or more in length.....	new golf courses, subdivisions, or condominiums
• filling of 10,000 cubic yards or more (wetlands included).....	shore protection that extends 150 feet or more into a lake or stream
<i>Critical Dune and High Risk Erosion Area</i> Projects under Parts 353 and 323. Fees for Part 353 are in addition to the fees listed above.	
• additions to existing structures, garages, utilities for single-family homes, sand removal in <i>critical dune areas</i> , parking areas in <i>critical dune areas</i> , retaining walls in <i>critical dune areas</i> , decks in <i>critical dune areas</i>	\$50
• single-family homes, road or driveway in <i>critical dune areas</i> , moving a building.....	\$100
• special use projects, including: industrial, commercial, multi-family.....	\$500
• an additional \$100 shall be charged if the applicant requests a "special exception" in a <i>critical dune area</i> .	
<i>Floodplain</i> Projects where engineering computations are required to assess the impact of a proposed <i>floodplain</i> alteration on flood stage or discharge characteristics.....	\$2,000
<i>Dam</i> Projects under Part 315. Fees for Part 315 are in addition to the fees listed above:	
• dam height 6 feet or more, but less than 10 feet.....	\$500
• dam height 10 feet or more, but less than 20 feet.....	\$1,000
• dam height 20 feet or more.....	\$3,000
• dam repair, alteration, removal, or abandonment.....	\$200
• minor projects pursuant to Section 27(1)*.....	\$100

*Minor Project Categories for Part 31, Part 301, Part 315, and Part 325, as well as General Permit Categories for Minor Activities under Part 303, are attached for your reference. If you would like a copy of a particular statute or administrative rules, you may submit a request to the Permit Consolidation Unit (PCU) at: MDEQ, LWMD, PCU, P. O. Box 30204, Lansing, MI 48909-7704, call 517-373-9244, or download a copy from our website at www.deq.state.mi.us/lwm and click on "LWMD STATUTES AND RULES".

FEDERAL FEES

All activities within the waters of the United States regulated by the USACE under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) may also require a permit from the USACE. The USACE will notify you of the appropriate federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be required. Fees are assessed as follows:

CATEGORY	FEE
• commercial or industrial users.....	\$100
• noncommercial users.....	\$10
DO NOT SUBMIT ANY FEE TO THE USACE UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.	
NOTE: The federal filing fee is in addition to any fee required by the state of Michigan.	

Minor Project Categories for Part 31, Water Resources Protection, of the NREPA

- (a) Construction, filling, or grading that is landward of the *floodway* limit identified in *floodplain* delineation studies listed in R 323.1314(1).
- (b) Construction, filling, or grading that is landward of the bed and banks of the St. Marys, St. Clair, and Detroit rivers.
- (c) Construction, filling, or grading that is landward of the *floodway* limits as determined by the department on stream reaches or in areas where *floodways* have not been defined by R 323.1314(1).
- (d) Any construction or filling which is located within the following critical floodwater storage areas and which is done on an individually owned subdivision lot where the construction and fill is confined to less than 5,000 square feet:
 - (i) Clinton river forks, as follows: Land areas within the *100-year floodplain* of the Clinton river and branches within Clinton township and Macomb township, Macomb county.
 - (ii) Saginaw river storage area, as follows: Land areas within the *100-year floodplain* of the Saginaw river and tributaries, including Cheboyganing and Dutch creeks, between the cities of Saginaw and Bay City, Saginaw and Bay counties.
 - (iii) Shiawassee flats, as follows: Land areas within the *100-year floodplain* of the lower reaches of the Shiawassee, Cass, Flint, Tittabawassee, and Bad rivers within Saginaw county.
 - (iv) Snake creek, as follows: Land areas within the *100-year floodplain* of Snake creek in the city of Midland, Midland county.
 - (v) Rush creek, as follows: Land areas within the *100-year floodplain* of Rush creek in Georgetown township and the city of Hudsonville, Ottawa county.
 - (vi) Frank and Poet drain, as follows: Land areas within the *100-year floodplain* of the Frank and Poet drain in the city of Trenton, Wayne county.
- (e) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations within 10 feet on either end of the bridge.
- (f) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has the fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet on either side of the culvert.
- (g) A boardwalk which is of open pile construction and which is landward of or along the existing shoreline.
- (h) A pond where excavated materials are placed landward of the *floodway*, as defined in R 323.1311(g).
- (i) A parking lot constructed at grade or resurfacing that is not more than 4 inches above the existing surface.
- (j) A deck placed on a residential structure which is of open pile design, which is anchored to prevent flotation, and which does not extend over the bed and bank of a river or stream.
- (k) A stormwater outfall which conforms to the side slope of the river, stream, or waterway and which does not project beyond the shoreline.

Minor Project Categories for Part 301, Inland Lakes and Streams, of the NREPA

- (a) Noncommercial *piers*, *docks*, and *boat hoists* that meet all of the following design criteria:
 - (i) The length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the watercourse and will not unreasonably interfere with the navigability or boatability of the water involved.
 - (ii) Free littoral flow of water and drift material is provided for.
 - (iii) Clean, nonpolluting materials will be used for the construction.
 - (iv) The structure is a single pier or *dock* appurtenant to the applicant's upland or is an added boat hoist, minor pier, or extension to the existing boat hoist, pier, or *dock*.
- (b) Spring piles and pile clusters that meet all of the following design and purpose criteria:
 - (i) The location, number, and purpose for placement is usual for such projects in the vicinity and watercourse involved.
 - (ii) All piles and other materials used in their placement are clean, nonpolluting materials.
 - (iii) The location and placement will not create an obstruction to navigation.
- (c) Seawalls, bulkheads, and other permanent revetment structures that meet all of the following purpose and design criteria:
 - (i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, or the protection of, or improvements on, uplands.
 - (ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
 - (iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist. However, the department shall provide written notification to the adjoining riparian property owners for structures more than 200 feet in length. The department shall not complete action upon applications for such structures that are more than 200 feet in length for a period of 7 days from the mailing of the notification to allow adjoining riparian owners the opportunity to comment.
 - (iv) The placement of backfill or other fill associated with the construction does not exceed an average of 2 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
 - (v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
- (d) Filling for the creation and improvement of swimming areas and beaches, the restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project that meet both of the following design criteria:
 - (i) The fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
 - (ii) Fill for the improvement of swimming areas or beaches, utilizing clean sand or gravel, will not exceed a blanket depth of 6 inches and will not be placed in a water depth exceeding 4 feet.
- (e) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
 - (i) No reasonable expectation exists that the materials to be dredged are polluted.
 - (ii) All dredging spoils will be removed to an upland site exclusive of wetland areas.
- (f) Construction of bridges and culverts, whether new, replacement, or temporary, and the removal of bridges or culverts with the restoration of the crossing site that meet all of the following criteria:
 - (i) The bridge or culvert structure proposed is of a type and design, including certifications, described by one of the following:
 - (A) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations is within 10 feet on either end of the bridge.



- (B) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet of either side of the culvert.
- (C) The proposed structure is a replacement stream crossing which fully spans the bottomlands and the owner or the owner's engineering consultant certifies that the proposed structure is of equal or greater hydraulic capacity, that deletion of auxiliary waterway openings is not planned, and that available information does not indicate the presence of a *harmful interference*.
- (D) The proposed structure is a new stream crossing structure that fully spans the bottomlands. The design of the structure is certified by a registered professional engineer to pass the 100-year flood, as determined by the department, without causing *harmful interference*. The certification includes hydraulic waterway design calculations.
- (E) The proposed structure is a new or replacement structure to be placed on an upland channel or similar artificially constructed waterway where consideration for the passage of flow is not a significant design factor.
- (F) The proposed structure is an extension of an existing bridge or culvert where the total extended length does not exceed 24 feet.
- (ii) The structure will provide sufficient underclearance to facilitate passage of watercraft that could be expected to navigate the waters involved.
- (iii) The total volume of fill to be placed below the ordinary high water mark for placement of the structure does not exceed 200 cubic yards.
- (iv) The removal of existing structures will be conducted without dropping demolition materials in the watercourse, and haul roads, work pads, or other structures to facilitate the removal will not be placed below the ordinary high water mark.
- (v) The structures will be designed and placed to assure that any increase in stream erosion or downcutting is prevented.
- (g) Watercourse crossings by utilities, pipelines, cables, and sewer lines that meet all of the following design criteria:
 - (i) A minimum of 30 inches of cover will be maintained between the top of the cable or pipe and the bed of the stream or other watercourse on buried crossings.
 - (ii) The method of construction proposed is the least disturbing to the environment employable at the given site.
 - (iii) Any necessary backfilling will be of washed gravel.
 - (iv) The diameter of pipe, cable, or encasement does not exceed 20 inches.
- (h) Dredging and construction or enlargement of ponds, lagoons, ditches, stormwater management basins, and similar artificial waterways if the proposed activity meets both of the following criteria:
 - (i) The artificial watercourse will have a surface area of less than 5 acres and have no direct connection to an existing inland lake or stream.
 - (ii) The resulting spoils will be placed on an appropriate upland site in a manner that will not impair flood flows or be eroded into public waters.
- (i) Structural repair of man-made structures that meets all of the following design and purpose criteria:
 - (i) The repair will not alter the original use of a currently serviceable structure.
 - (ii) The repair will not adversely affect public trust values or interests, including navigation, fish migration, and water quality.
 - (iii) Any materials used for repair will be made of nonpolluting materials.
- (j) Fish or wildlife habitat structures that meet all of the following criteria:
 - (i) The structures are placed so as not to impede navigation or create a navigational hazard.
 - (ii) The structures are anchored to the bottomlands.
 - (iii) The structures are constructed of nonpolluting materials.
 - (iv) The structure placement has the written authorization of the riparian owner and the appropriate department district fisheries or wildlife biologist, or both.
- (k) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, that meet all of the following design and purpose criteria:
 - (i) The structures do not impede navigation or create a navigational hazard.
 - (ii) The devices are constructed of nonpolluting materials.
 - (iii) The placement of any scientific structure has the written authorization of the riparian owner.
- (l) Navigational aids that meet either of the following criteria:
 - (i) The aids are approved by the United States coast guard.
 - (ii) The aids are approved under Part 801 of the act.
- (m) Extension of a project under a current permit that will not result in any damage to natural resources.
- (n) Physical removal of man-made structures or natural obstructions that meet all of the following criteria:
 - (i) The debris and spoils shall be removed to an upland site in a manner that will not impair flood flows or be eroded into public waters.
 - (ii) The stream bank or shoreline and bottom contours shall be restored to an acceptable condition.
 - (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
 - (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.
- (o) Lake or impoundment drawdowns or the associated reflooding, or both, that meet the following design and purpose criteria:
 - (i) The purpose of the drawdown is described by one of the following criteria:
 - (A) The drawdown is temporary in nature for the purpose of inspection to determine the integrity of the impounding structure.
 - (B) The drawdown is associated with the routine operations of fish or wildlife floodings, ponds, or impoundments where the purpose of the drawdown is the enhancement or production of fish, wildlife, or associated habitat.
 - (C) A drawdown authorized by court order under the provisions of Part 307 of the act if the court has incorporated the department requirements into the court order or concurred in department recommendations to address environmental concerns under Part 301 of the act.
 - (ii) The potential adverse environmental effects of the drawdown have been determined to be minimal under R 281.814.
- (p) Seismic cables across lakes and streams which are temporary in nature and which will be clearly identifiable by recreationists normally expected to use the body of water.
- (q) Aquatic weed bottomland barriers that do not exceed 1600 square feet singly or in combination and that are installed with an anchoring system to assure permanent placement.
- (r) Dry fire hydrant installations where the intake line will not interfere with navigability of the water involved.
- (s) Storm water outlet structures where the activities do not exceed criteria of the designated minor project criteria for filling or dredging.
- (t) Off-line stormwater basins constructed for storm water management that provide retention/detention and sediment settling or filtration before discharge.
- (u) Boat ramps designed for single-family, private usage where the installation will not involve more than 10 cubic yards of dredging, with upland disposal, or filling.
- (v) Aquatic plant removal with mechanical equipment designed to operate by air or water pressure or by raking or rolling actions if the treatment areas are 1600 square feet or less, if the water depth is 4 feet or less, and if the uprooted floating debris is removed and disposed of within upland areas.



- (w) Recreational mineral (gold) prospecting by mechanical methods, such as portable (backpack) suction dredges or sluice boxes, if the activity is for recreational reasons only and if all of the following conditions are met:
 - (i) Individual prospecting areas are 300 square feet or less per location.
 - (ii) The intake nozzle for suction dredges is 2 inches in diameter or less.
 - (iii) Prospecting will not be done before July 1 or after August 31.
 - (iv) Stream bank excavation will not occur.
 - (v) The stream bottom is predominately gravel.
- (x) Ditch plugs with or without water flow controls if the purpose is to reestablish the hydrology to previously drained areas, if all impacted parties acknowledge and provide their written authorizations, and if the proposed activities do not exceed other minor project criteria.

Minor Project Categories for Part 315, Dam Safety, of the NREPA

- (1) The department shall grant or deny an application for a minor project after all of the following steps have been completed:
 - (a) Submission of a complete application.
 - (b) An on-site inspection by a department representative.
 - (c) A review of all appropriate information by the department.
- (2) A review of a minor project does not require any of the following:
 - (a) Submission of the application materials by the department to any of the individuals or agencies listed in Section 23(1) of the act.
 - (b) A 20-day comment period as provided for in Section 23 of the act.
 - (c) A public hearing.
- (3) Required plans and specifications for a minor project do not need to be prepared by a licensed professional engineer.
- (4) The following alterations and repairs shall be considered minor projects pursuant to Section 27 of the act if the activity involves a temporary drawdown of 2 feet or less or involves a temporary drawdown where the dam owner is the sole riparian to the lands surrounding the impoundment:
 - (a) Dredging or filling of more than 25 cubic yards, but less than 300 cubic yards, as a single and complete project. For dredging projects, the project will not be considered minor unless evidence is provided with the application that the materials to be dredged are not contaminated pursuant to the provisions of Act No. 64 of the Public Acts of 1979, as amended, being ≥ 299.501 et seq. of the Michigan Compiled Laws.
 - (b) Erosion protection measures that fulfill an identifiable need for erosion protection, bank stabilization, or the protection or improvement of the *dam* and its inlet and outlet channels. The fill material that is associated with erosion protection measures shall be in compliance with any of the following provisions:
 - (i) It shall have a volume of more than 25 cubic yards, but shall not have a volume of more than 300 cubic yards.
 - (ii) It shall not have a surface area of more than 10,000 square feet.
 - (iii) There shall not be more than 2 cubic yards per lineal foot.
 - (c) Other repairs and alterations that have a minimal effect on the structural integrity of the *dam*.
- (5) Dredging or filling in volumes of less than 25 cubic yards shall be considered maintenance and does not require a permit pursuant to the provisions of the act.

Minor Project Categories for Part 325, Great Lakes Submerged Lands, of the NREPA

- (1) The department may process applications in accordance with R 322.1014 for those projects of a minor nature which are not controversial; which have minimal adverse environmental impact; which will be constructed of clean, nonpolluting materials; which do not impair the use of the adjacent bottomlands by the public; and which do not adversely affect riparian interests of adjacent owners.
- (2) The following projects are eligible for a minor project permit:
 - (a) Noncommercial single *piers, docks, and boat hoists* which meet the following design criteria:
 - (i) Are of a length or size not greater than the length or size of similar structures in the vicinity and on the watercourse involved.
 - (ii) Provide for the free littoral flow of water and drift material.
 - (b) Spring piles and pile clusters when their design and purposes are usual for such projects in the vicinity and watercourse involved.
 - (c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:
 - (i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, protection of uplands, or improvements on uplands.
 - (ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
 - (iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist.
 - (iv) The placement of backfill or other fill associated with the construction does not exceed an average of 3 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
 - (v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
 - (d) *Groins* 50 feet or less in length, as measured from the toe of bluff, which meet all of the following criteria:
 - (i) The *groin* is low profile, with the lakeward end not more than 1 foot above the existing water level.
 - (ii) The *groin* is placed at least 1/2 of the *groin* length from the adjacent property line or closer with written approval of the adjacent riparian.
 - (e) Filling for restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project, where the fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
 - (f) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
 - (i) No reasonable expectation exists that the materials to be dredged are polluted.
 - (ii) All dredging materials will be removed to an upland site exclusive of wetland areas.
 - (g) Structural repair of man-made structures, except as exempted by R 322.1008(3), when their design and purpose meet both of the following criteria:
 - (i) The repair does not alter the original use of a recently serviceable structure.
 - (ii) The repair will not adversely affect public trust values or interests, including navigation and water quality.



- (h) Fish or wildlife habitat structures which meet both of the following criteria:
 - (i) Are placed so the structures do not impede or create a navigational hazard.
 - (ii) Are anchored to the bottomlands.
- (i) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, if the structures do not impede or create a navigational hazard.
- (j) Navigational aids which meet both of the following criteria:
 - (i) Are approved by the United States coast guard.
 - (ii) Are approved under Part 801, Marine Safety, of the NREPA, being 324.80101 et seq. of the Michigan Compiled Laws.
- (k) Extension of a project where work is being performed under a current permit and which will result in no damage to natural resources.
- (l) A sand trap wall which meets all of the following criteria:
 - (i) The wall is 300 feet or less in length along the shoreline.
 - (ii) The wall does not extend more than 30 feet lakeward of the toe of bluff.
 - (iii) The wall is low profile, that is, it is not more than 1 foot above the existing water level.
 - (iv) The wall is constructed of wood or steel or other nonpolluting material.
- (m) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:
 - (i) The debris and spoils shall be removed to an upland site, not in a wetland, in a manner which will not allow erosion into public waters.
 - (ii) The shoreline and bottom contours shall be restored to an acceptable condition.
 - (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
 - (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

General Permit Categories for Minor Activities under Part 303, Wetlands Protection, of the NREPA

The following activities are incorporated into this list of General Permit categories. In order to be processed in accordance with expedited General Permit procedures, all criteria specified by each category must be met.

- (A) **Small Ponds.** Construction or maintenance of waterbodies less than 1 acre in size providing that dredge spoils including organic and inorganic soils, vegetation and debris, shall be placed at an upland site, leveled and stabilized with sod, or seeded and mulched in such a manner as not to erode into any waterbody or wetland, or be located in a *floodway*, or harmfully interfere with flood flows. Direct connection to an existing inland lake or stream will not qualify for consideration under General Permit categories.
- (B) **Boardwalks or Elevated Platforms.**
- (C) **Walkways.** Filling for walkways or footpaths not to exceed 6 feet in base width and 200 feet in length where boardwalks or elevated walkways are not feasible or practical. Culverts will be required where necessary to provide for the free flow of surface water. If in a *floodplain*, the grade elevation change shall not exceed 6 inches.
- (D) **Driveways.** Construction of driveways, providing that:
 - 1. Any upland on the property or other alternatives, such as shared driveways, are utilized to the greatest degree possible;
 - 2. The location of the driveway is at the least damaging place on the property (e.g., as close to any upland edge as possible);
 - 3. The portion of the driveway that passes through wetland is restricted to 16 feet in base width and 200 lineal feet in length. Culverts will be required where necessary to provide for the free flow of surface water or to avoid restricting low flows and the movement of aquatic organisms. Fill shall be placed on *filter fabric* or equivalent material if warranted by soil conditions. If in a *floodplain*, the grade elevation shall not exceed 6 inches.
- (E) **Utility Lines.**
 - 1. The following activities may qualify for General Permit processing:
 - a. Sewer and water line construction,
 - b. Electric transmission and telephone lines,
 - c. Underground utility lines,
 - d. Oil/gas pipelines larger than six inches in diameter.
 - 2. To qualify for General Permit processing, the proposed activity shall meet the following conditions:
 - a. Construction shall be completed during dry periods, or construction methods, equipment and materials use will minimize the impact on the wetland;
 - b. If excavated material is contaminated based on sediment leachate data, it may not be used as backfill and it shall be removed from the wetland and placed in a licensed landfill;
 - c. Project design features shall assure that backfill used in an excavated trench will not result in drainage of the wetland;
 - d. The top 6 inches to 12 inches of the trench shall be backfilled with topsoil from the trench. If material is contaminated, it shall be handled as indicated under b) above and uncontaminated clean topsoil shall be brought in to fill the trench;
 - e. Excavated material sidecast or stockpiled in the wetland shall not remain for over three months and must be utilized as backfill or removed before completion of the project;
 - f. Excess excavated material must be removed from the wetland and disposed of at an upland site and stabilized to prevent erosion; and,
 - g. The wetland must be restored to pre-construction contours and conditions.
- (F) **Oil, Gas, and Mineral Well Access Roads.** Access roads for oil/gas drilling or mineral well drilling activities where angle drilling from upland is not feasible and where the activity is of minor impact, on both an individual and cumulative basis, to the wetland. Access roads shall not exceed 20 feet in base width on *filter fabric* or equivalent material. Culverts will be required, where necessary, to provide for the free flow of surface water or to avoid restricting low flows and the movement of aquatic organisms. Immediately upon plugging the well, all fill material shall be removed, the original wetland contours restored, and the site stabilized with a wetland seed source and mulched if necessary.
- (G) **Stormwater Outfalls.** Stormwater outfalls above the ordinary high water mark of an inland lake or stream, provided that the outlet is ripped or otherwise stabilized to prevent soil erosion and that the stormwater will be pretreated or otherwise meet state water quality standards and applicable discharge permit requirements.
- (H) **Culverts.** Culverts, if installed for water level equalization.



- (I) **Emergency Drain Maintenance.** Projects not otherwise exempt under Section 30305 (2) (h) involving maintenance, repair, or operation of an existing drain where necessary to alleviate flooding on an emergency basis, providing that:
1. The activity does not otherwise require a permit under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended;
 2. The area and extent of current wetlands will not be diminished; and,
 3. The activity is limited to restoring the drain to depths and widths that do not exceed historic dimensions.
- (J) **Septic Tank Replacement.** A replacement on-site septic tank and drain field system providing that it is required by and meets design standards of the local health department. Where the option is available, pump-back systems to upland will be required in place of mounded systems in order to qualify for construction under this General Permit. A copy of local health department permit or permission must be submitted to the MDEQ prior to final action under this General Permit.
- (K) **Repairs to Serviceable Structures.** Repairs to a serviceable structure which is not otherwise exempt from permits under Part 303 provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated in the original design. This category applies to structures in existence on October 1, 1980, or constructed pursuant to Part 303. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes, or safety standards which are necessary to make repair may still be considered under this category providing that the environmental impacts resulting from the entire repair are minimal. Serviceable means useable as is or with some repair, but not so degraded as to essentially require reconstruction. Serviceable structures damaged by storms, floods, fire, or other discrete events are included under this category provided that the repairs are commenced or under contract to commence within one year of the date of the damage.
- (L) **Completed Enforcement Actions.** Contact the Land and Water Management Division for specific criteria.
- (M) **Spill Cleanup.** Contact the Land and Water Management Division for specific criteria.
- (N) **Cleanup of Hazardous Substances and Hazardous and Toxic Waste.** Contact the Land and Water Management Division for specific criteria.
- (O) **Maintenance Dredging of Artificial Treatment Ponds and Lagoons.** Excavation and removal of accumulated sediment for maintenance of existing and legally constructed stormwater retention or detention basins, sediment basins, treatment lagoons, or other man-made water treatment or retention areas created for those sole purposes, provided that the dredged material is placed in an upland site and stabilized with sod, or seeded, mulched or rippapped as necessary to prevent soil erosion into any waterbody or wetland, or that dredged material is placed in a licensed landfill based on sediment leachate analysis of the material. The applicant shall submit the analytical results and sampling locations with the application. The upland disposal sites or licensed landfill must be identified in the plans.
- (P) **Road Maintenance Projects.** Public roadway maintenance and safety projects in existing right-of-way where all practical means have been used to minimize the wetland impact, and provided that all components of the project will impact no more than two acres of wetland. Contact the Land and Water Management Division for further restrictions to this category.
- (Q) **Minor Fills.** Minor fills for the construction or expansion of single-family residences with the total fill area in wetlands not exceeding one-half acre for all phases of the residential construction including driveways, garages, small storage sheds (not to exceed 100 square feet), and all waste treatment facilities providing that:
1. No fill shall be placed in any part of a wetland that is inundated by waters from an adjacent waterbody, provides fish habitat functions at any time or that consists of emergent waterfowl habitat.
 2. All upland on the property shall be utilized to the greatest degree possible.
 3. The proposed fill in wetlands shall be at the least damaging location on the property.
 4. All necessary actions shall be taken to minimize on-site and off-site impacts including sewage treatment systems that pump back to uplands where feasible.
 5. The filled area surrounding building foundations shall not be greater than 15 feet from edge of foundation to top of slope. Fill slopes shall not be flatter than 1 vertical to 4 horizontal. Additional fill for purposes such as landscaping or recreational facilities will not qualify under this category.
 6. The ownership of the parcel of land shall have been maintained within the immediate family since October 1, 1980.
- Note: This minor fill General Permit can be used only once on a parcel of land that existed prior to October 1, 1980. It cannot be used on parcels established on or after October 1, 1980. Only one permit under this minor fill provision of the General Permit may be granted to a person.
- (R) **Restoration of Altered Wetland Areas.** This category applies only to projects that serve to restore wetland hydrology, vegetation, and functions of altered wetlands. Altered wetlands include areas which have been partially or fully drained, or where other land use conversions have resulted in significant alteration of the original character of the site. Projects under this category involve the restoration of altered wetlands on public and private lands by state, federal, and non-profit conservation and wildlife agencies and organizations. Contact the Land and Water Management Division for further restrictions to this category.

Issuance of a permit pursuant to General Permit procedures does not remove the need for other applicable local, state, or federal permits.

This modifies and replaces the October 3, 1994 "General Permit Categories for Minor Activities in Wetlands in the State of Michigan" and shall expire on June 18, 2002, unless revoked or modified before that date.